

### Remarks

The applicant has amended the claims and added a new claim in response to the Official Communication. The applicant submits that the amended claims are in condition for allowance. The applicant requests the Office to review the amended claims and new claim 31 in view of the following remarks and respectfully requests the Office to move this case towards allowance.

Paragraph 1 does not require a response.

In paragraph 2, the Office has rejected claims 1-21, 23, 26 and 27 under 35 U.S.C § 102(b) as being clearly anticipated by U.S. Patent Number 5,572,442 to *Schulhof et al.* The applicants submit the following argument in the traversal of this rejection.

The Office alleges that *Schulhof* teaches a second interface permitting the customer to select recorded music for unrestricted playback. However, in actuality, *Schulhof* teaches a method for selecting music that has yet to be recorded and identifying the type of usage for that selection prior to downloading and recording the music. This is most evident in the fact that the downloaded selections in *Schulhof* include information in the header identifying the type of usage allowed for the selection. Col. 9 lines 18-25. This is not the same as allowing a user to select an already recorded music selection as one that will be used for unrestricted playback and communicating this information to a central controller. The Office should appreciate that the technology required in implementing the present invention in comparison to *Schulhof* is quite different. In the present invention, content can be downloaded prior to the user determining what type of usage is desired. In *Schulhof*, the user must select the type of usage prior to downloading the content.

Thus, based on this distinction, as well as other aspects, the applicant submits that claims 1, 10, 26, 27 and 28 are in condition for allowance. These claims have been amended to more

clearly indicate that the unrestricted selection is being made with regards to previously recorded selections. In addition, the applicant respectfully submits that new claim 31, which also includes this limitation, is also allowable. The applicant has canceled claim 30 with out prejudice.

Paragraph 3 does not require a response.

In paragraph 4, the Office has rejected claims 22, 24, 25 and 28-30 under 35 U.S.C § 103(a) as being unpatentable over by U.S. Patent Number 5,572,442 to *Schulhof et al.* The applicants submit the following argument in the traversal of this rejection. However, applicant submits that these claims, as well as claims 2-9, 11-25 and 30 all depend either directly, or indirectly from an allowable claim and thus, are also allowable.

#### Conclusion

The applicant respectfully submits that each and every issue raised by the Office has been addressed and that this case is in condition for allowance. If the Office has any questions regarding these claims or this response, the Office can call the applicant's attorney, Gregory Smith at (770) 804-9070.

Respectfully submitted,

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December 31, 2003